

AMENDED IN SENATE AUGUST 8, 2002

AMENDED IN SENATE JUNE 17, 2002

AMENDED IN SENATE JUNE 5, 2002

AMENDED IN ASSEMBLY MAY 16, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

AMENDED IN ASSEMBLY APRIL 16, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2333

Introduced by Assembly Member Nakano

(Principal coauthor: Senator Bowen)

(Coauthors: Assembly Members Horton, Longville, and Pavley)

(Coauthor: Senator Kuehl)

February 21, 2002

An act to add Section 65081.2 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2333, as amended, Nakano. Transportation: regional transportation plans.

Existing law requires a transportation planning agency to prepare a regional transportation plan. Under existing law, the agency is additionally required to include an airport ground access improvement program in the plan if its planning area includes a primary air carrier airport.

This bill would require the Southern California Association of Governments (SCAG) to provide for a fair share distribution of the burdens and benefits of commercial aviation among specified urban counties in southern California as a guiding policy in the aviation program of the regional transportation plan that is adopted by the SCAG Regional Council throughout the SCAG region, thereby imposing a state-mandated local program. The bill would require SCAG to adhere to principles of environmental justice by conforming to provisions of applicable state law in developing the aviation program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds that growth in passenger
- 2 and cargo air transportation at commercial airports in the Counties
- 3 of Los Angeles, Orange, San Bernardino, *Ventura, Imperial*, and
- 4 Riverside between now and 2025 will contribute to economic
- 5 development and job growth in the region. The Legislature also
- 6 finds that noise, air quality, traffic, and other impacts associated
- 7 with airports will adversely affect the environment and quality of
- 8 life in local communities and may place an unfair burden on some
- 9 communities unless measures are taken to avoid this outcome.
- 10 Accordingly, the Legislature finds and declares that it is in the
- 11 interest of the Counties of Los Angeles, Orange, San Bernardino,
- 12 *Ventura, Imperial*, and Riverside to distribute the burdens and
- 13 benefits of commercial aviation fairly throughout the region.
- 14 SEC. 2. Section 65081.2 is added to the Government Code, to
- 15 read:

1 65081.2. (a) The Southern California Association of
2 Governments (SCAG) shall provide for a fair share distribution of
3 ~~both the burdens and benefits of commercial aviation among the~~
4 ~~four urbanized SCAG Counties of Los Angeles, Orange, San~~
5 ~~Bernardino, and Riverside as a guiding policy in the aviation~~
6 ~~program of the regional transportation plan that is adopted by the~~
7 ~~SCAG Regional Council. SCAG shall determine the “fair share~~
8 ~~distribution” appropriate for each county based upon an~~
9 ~~assessment of future passenger and cargo demand likely to be~~
10 ~~generated by and reasonably attributable to each county. the~~
11 ~~burdens of commercial aviation throughout the SCAG region.~~

12 (b) In addition, SCAG shall adhere to principles of
13 environmental justice in the development of the regional
14 transportation plan aviation program to provide that a goal of the
15 aviation program of the regional transportation plan is that no
16 ethnic or racial minority or low-income community bears a
17 disproportionate share of the environmental burden of regional
18 aviation activity. For purposes of this section, environmental
19 justice shall be construed to conform with the provisions of the
20 applicable state law. However, nothing herein shall create a
21 separate and independent cause of action relating to environmental
22 justice.

23 SEC. 3. Notwithstanding Section 17610 of the Government
24 Code, if the Commission on State Mandates determines that this
25 act contains costs mandated by the state, reimbursement to local
26 agencies and school districts for those costs shall be made pursuant
27 to Part 7 (commencing with Section 17500) of Division 4 of Title
28 2 of the Government Code. If the statewide cost of the claim for
29 reimbursement does not exceed one million dollars (\$1,000,000),
30 reimbursement shall be made from the State Mandates Claims
31 Fund.

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